

**REMARKS****Rejections under 35 U.S.C. § 103(a)**

Claims 1-4, 6 and 10 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Fujita et al. (U.S. Patent Application Publication No. 2004/0062402) (hereinafter "Fujita") in view of Tatsuta et al. (U.S. Patent No. 7,292,697) (hereinafter "Tatsuta"). Claim 5 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Fujita and Tatsuta, as applied to claim 1 above, in view of Serikawa et al. (U.S. Patent No. 5,796,845) (hereinafter "Serikawa"). Claims 7-9 and 11-13 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Fujita, in view of Makino (U.S. Patent No. 6,862,356) (hereinafter "Makino") and further in view of Klayman et al. (U.S. Patent No. 7,043,031) (hereinafter "Klayman"). The rejections in the Office Action are respectfully traversed for at least the following reasons.

At page 3 of the Office Action, the Examiner asserts that the integral surround speaker of claim 1 of the instant application is disclosed in Figs. 6, 8, and paragraph [0120] of Fujita. However, Applicant respectfully traverses such an interpretation because Fujita does not disclose an integral surround speaker in the manner described in independent claim 1 of the instant application.

Applicant respectfully submits that Fig. 6 of Fujita discloses that an apparatus which performs a 7.1-channel audio reproduction is arranged in a first zone, and that an apparatus which performs a 2-channel audio reproduction is arranged in a second zone. However, Applicant respectfully submits that Fig. 6 of Fujita does not disclose an integral surround speaker to which claim 1 refers. In Fig. 6 of Fujita, speakers SP-BSL and SP-BSR are shown in contact with each other in such a manner in which it appears as if they might be integral. However, Applicant respectfully submits that this aspect of the illustration is merely presented in this way

for the purpose of drawing convenience. In this regard, Applicant respectfully submits that Fujita does not specifically disclose to any extent that the speakers SP-BSL and SP-BSR are integral.

Applicant respectfully submits that paragraph [0120] of Fujita discloses that when left and right speakers SP-BL and SP-BR in a second zone reproduce rear channel signals RL and RR, it appears as if rear channel sound is virtually generated from the behind (from the position where speakers SP-RL and SP-RR are arranged). Applicant respectfully submits that paragraph [0120] of Fujita refers to a so-called virtual surround. However, Applicant respectfully submits that Fujita does not disclose an integral surround speaker in the manner described in independent claim 1 of the instant application.

Applicant respectfully submits that Fig. 8 of Fujita discloses that an apparatus which performs an 8.1-channel audio reproduction is arranged in a first zone, and that an apparatus which performs a 2-channel audio reproduction is arranged in a second zone. However, Applicant respectfully submits that Fig. 8 of Fujita does not disclose an integral surround speaker to which claim 1 refers.

The Examiner also stated on page 3 of the Office Action that the features of “in the case where the integral surround speaker is installed in a position that makes arrangement asymmetrical with respect to the listening position as a center” and “on the basis of a transfer function for creating a sound image in a predetermined listening position” concerning a signal adjusting device in claim 1 are disclosed in Fig. 8 and paragraphs [120] and [0122] of Fujita.

However, Applicant respectfully submits that Fujita does not disclose such features of claim 1, i.e., “in the case where the integral surround speaker is installed in a position that makes

arrangement asymmetrical with respect to the listening position as a center” and “on the basis of a transfer function for creating a sound image in a predetermined listening position.”

Applicant respectfully submits that Fig. 8 of Fujita discloses that an apparatus which performs an 8.1-channel audio reproduction is arranged in a first zone, and that an apparatus which performs a 2-channel audio reproduction is arranged in a second zone. Fig. 8 of Fujita also discloses that a listener is at each of Zone 1 and Zone 2, and that the listener is in the center of each of the Zone 1 and Zone 2.

Applicant respectfully submits that Fig. 8 of Fujita does not disclose the feature of claim 1, i.e., “in the case where the integral surround speaker is installed in a position that makes arrangement asymmetrical with respect to the listening position as a center.”

Paragraph [0120] of Fujita discloses that when left and right speakers SP-BL and SP-BR in a second zone reproduce rear channel signals RL and RR, it appears as if rear channel sound is virtually generated from the behind (from the position where speakers SP-RL and SP-RR are arranged). Paragraph [0120] of Fujita refers to a so-called virtual surround, and does not disclose the feature of claim 1, i.e., “in the case where the integral surround speaker is installed in a position that makes arrangement asymmetrical with respect to the listening position as a center.”

Paragraph [0122] of Fujita discloses a filter which is a portion of means for realizing so-called virtual sound described in paragraph [0120], and does not disclose the features of claim 1, i.e., “in the case where the integral surround speaker is installed in a position that makes arrangement asymmetrical with respect to the listening position as a center” and “on the basis of a transfer function for creating a sound image in a predetermined listening position” concerning a signal adjusting device in independent claim 1 of the instant application.

Accordingly, as mentioned above, Applicant respectfully submits that while independent claim 1 of the instant application describes an advantageous combination of features including the feature of “an integral surround speaker,” Fujita does not disclose or suggest “an integral surround speaker” in the manner described in independent claim 1 of the instant application.

Applicant will now turn to a discussion of the applied Tatsuta reference. In the Office Action, the Examiner conceded that the features of claim 1, i.e., “a signal adjusting device, -- adjusts the frequency characteristic of a surround signal of a component of the side different from the side on which the integral surround speaker is deviated,” “an adding device which adds a component of at least part of the adjusted surround signal to a main signal of the component on the same side as that of the adjusted surround signal,” and “an output device which outputs the resultant main signal to the corresponding main speaker” are not disclosed in Fujita. However, the Examiner then applies Tatsuta as allegedly curing these deficiencies of Fujita. Such an assertion is respectfully traversed for at least the following reasons.

Applicant respectfully submits that Tatsuta merely discloses that a center channel signal  $C_n$  is supplied through a phase shifter 2 to an adder 4, and is added to a main signal for a main speaker  $SP_L$ , and the center channel signal  $C_n$  is supplied through a phase shifter 3 to an adder 5, and is added to a main signal for a main speaker  $SP_R$ . Applicant respectfully submits that Tatsuta does not disclose or suggest an arrangement concerning adjustment of surround signal to be supplied to an integral surround speaker, and addition of at least part of the adjusted surround signal to a main signal.

In other words, Applicant respectfully submits that Tatsuta does not disclose or suggest at least the feature of claim 1, i.e., “the frequency characteristic of a surround signal is adjusted, a component of at least part of the adjusted surround signal is added to a main signal of the

component on the same side, and the added main signal is outputted to the corresponding main speaker, and at least part of the adjusted surround signal is outputted to the corresponding surround speaker.”

Also, Applicant respectfully submits that while the combination of features of independent claim 1 of the instant application includes the feature of “an integral surround speaker,” Tatsuta does not disclose or suggest “an integral surround speaker” to which claim 1 refers.

As mentioned above, Applicant respectfully submits that neither of Fujita and Tatsuta disclose or suggest each of the features of independent claim 1 of the instant application, and therefore, claim 1 is not obvious over Fujita in view of Tatsuta.

With regard to independent claim 7 of the instant application, Applicant respectfully submits that claim 7 describes an advantageous combination that includes the following features: a generating device, a first computing device, a second computing device, an adding device, and an output device. Each of these features will now be particularly described.

Applicant respectfully submit that independent claim 7 describes a generating device, in the case where the integral surround speaker is installed in a position that makes arrangement asymmetrical with respect to the listening position as a center, generates a differential signal by subtracting a surround signal of a component on the side on which integral surround speaker is deviated and installed from a surround signal of a component of the side different from the side on which the integral surround speaker is deviated and installed.

Applicant respectfully submit that independent claim 7 describes a first computing device performs a computing process of adding the generated differential signal to the surround signal

of the component on the side different from the side on which the integral surround speaker is deviated and installed.

Applicant respectfully submit that independent claim 7 describes a second computing device performs a computing process of subtracting the generated differential signal from the surround signal of the component on the same side as the side on which the integral surround speaker is deviated and installed.

Applicant respectfully submit that independent claim 7 describes an adding device which adds at least part of each of the surround signals subjected to the computing process to a main signal of a component on the same side.

Applicant respectfully submit that independent claim 7 describes an output device which outputs the resultant main signal to the corresponding main speaker and outputs at least part of the surround signal subjected to the differential signal computing process to the corresponding surround speaker.

In the Office Action, the Examiner conceded that particular features of claim 7 are not disclosed in Fujita or Makino. However, the Examiner then applies Klayman as allegedly curing the deficiencies of Fujita and Makino. Applicant respectfully traverses this combination rejection for at least the following reasons.

First, while the combination of independent claim 7 of the instant application includes the feature of “an integral surround speaker,” Applicant respectfully submits that Fujita and Makino do not disclose or suggest “an integral surround speaker” to which claim 7 refers. Further, Applicant respectfully submits that Klayman merely discloses that a pair of right and left input audio signals are processed, mixed, and supplied to a pair of right and left main speakers. In this regard, Applicant respectfully submits that Klayman does not disclose, or even suggest, an

arrangement concerning computing of a surround signal to be supplied to an integral surround speaker, and adding of at least part of the computed surround signal to a main signal.

In other words, Applicant respectfully submits that Klayman does not disclose, or even suggest, at least the features of i.e., a generating device, a first computing device, a second computing device, an adding device, and an output device as specifically described in the combination of features of independent claim 7 of the instant application.

Further, while claim 7 includes the limitation of “an integral surround speaker,” Applicant respectfully submits that Klayman does not disclose, or even suggest, “an integral surround speaker” to which claim 7 refers.

Accordingly, Applicant respectfully submits that Fujita, Makino, or Klayman do not disclose or suggest the features of independent claim 7 of the instant application, and therefore, claim 7 is not obvious over Fujita in view of Makino and further in view of Klayman.

The remaining independent claims 8-13 include similar features as discussed above with regard to independent claims 1 and 7 of the instant application. Accordingly, similar arguments as discussed above with regard to independent claims 1 and 7 of the instant application also apply to independent claims 8-13 of the instant application.

Accordingly, Applicant respectfully asserts that the rejections under 35 U.S.C. § 103(a) should be withdrawn because Fujita, Tatsuta, Makino, and Klayman, whether taken separately or combined, do not teach or suggest each feature of independent claims 1 and 7-13 of the instant application. As pointed out by MPEP § 2143.03, “[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art.’ In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).”

Furthermore, Applicant respectfully asserts that the dependent claims 2-6 are allowable at least because of their dependence from independent claim 1, and the reasons discussed previously. With regard to the additionally applied reference to Serikawa with regard to dependent claim 5, Applicant respectfully submits that this additionally applied reference does not cure the deficiencies discussed previously with regard to Fujita and Tatsuta.

### **CONCLUSION**

In view of the foregoing, Applicant submits that the pending claims are in condition for allowance, and respectfully request reconsideration and timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution. A favorable action is awaited.

**EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including

any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573.

This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

**DRINKER BIDDLE & REATH LLP**

Dated: December 10, 2008

By:

A handwritten signature in dark ink, appearing to read "Paul A. Fournier", written over a horizontal line.

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